

## **RESPONSE TO COMMENTS**

### **712 W. Baker Street Oil Operators Self-Storage**

#### **INTRODUCTION**

As required by CEQA Guideline Section 15087, a public Notice of Availability (NOA) of the Draft Environmental Report (DEIR) for the Oil Operators project at 712 W. Baker Street, was filed with the Los Angeles County Clerk on December 4, 2003. The NOA was published in the Press-Telegram newspaper on December 5, 2003. The DEIR was circulated for public review for a period of 45 days, from December 5, 2003, to January 20, 2003. Copies of the DEIR were mailed to all responsible agencies, state agencies, community groups, and was made available for public review at the City of Long Beach Planning Bureau, the Main Library and on the City's Web-site.

A total of 13 comment letters were received during the public review period. Comments were received from State and local agencies and from the public. Comments that address environmental issues are thoroughly responded to. In some cases, corrections to the DEIR are required or additional information is provided for clarification purposes. However, some of the comments do not address the adequacy or completeness of the DEIR, do not raise environmental issues, or do request the incorporation of additional information not relevant to environmental issues. Such comments do not require a response, pursuant to Section 15088(a) of the CEQA Guidelines.

Section 15088 of the state CEQA Guidelines, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the lead agency should either:

1. Revise the text in the body of the EIR; or
2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Response to Comments document clarifies, amplifies, or makes minor modifications to the DEIR. No significant changes have been made to the information contained in the DEIR as a result of the responses to comments, and no significant new information has been added. However, because of a typographical error in the Project Summary, the addition of a mitigation measure in the Utilities analysis, clarification language in the Air Quality analysis, and an updated Mitigation Monitoring Plan, new pages have been prepared and inserted into the Final EIR. The Final EIR will be considered by the Planning Commission.

## INDEX OF COMMENTS RECEIVED

The following is an index list of the agencies, groups, and persons who commented on the Draft EIR, prior to the close of the public comment period, or immediately thereafter. The comments received have been organized in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a "letter" below.

#	Name	Date
A	Richard Gutmann	January 19, 2004
B	Richard Gutmann	January 19, 2004
C	Richard Gutmann	January 19, 2004
D	Richard Gutmann	January 17, 2004
E	Richard Gutmann	January 23, 2004
F	Anita Pettigrew	January 17, 2004
G	Anita Pettigrew	January 15, 2004
H	Anita Pettigrew	January 17, 2004
I	Kendall Rainwater	January 15, 2004
J	State Department of Transportation	January 7, 2004
K	Southern California Association of Govt's	January 7, 2004
L	LA County Sanitation District	January 6, 2004
M	South Coast Air Quality Management District	January 16, 2004

## **FORMAT OF RESPONSE TO COMMENTS**

Responses to each of the comment letters are provided on the following pages. Individual points within each letter are numbered along the right-hand margins of each letter. Comments not requiring any response are not numbered. The City's responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margin.





"Richard Gutmann"  
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01/19/2004 11:33 PM

To: Angela\_Reynolds@longbeach.gov  
cc: district7@longbeach.gov, wrigleyheights@yahoo.com,  
cnjfrogs@aol.com

Subject:

Angela Reynolds, Acting Environmental Officer  
City of Long Beach

Draft Environmental Import Report  
SCH 2-022396-1

Ms. Reynolds:

A document from what was then known as the DOHS-Toxic Substances Control Division called "STATEMENT OF FACTS IN THE INVESTIGATION OF OIL OPERATORS, INC." reported in its Summary of Facts section that:

On October 1, 1984, Keith Cambridge and Denise Kato made an inspection at Oil Operators Inc., 712 West Baker Street, Long Beach. The investigators were accompanied by Elton Oliver of the subject facility and Federico Banales of Long Beach City Health Department. It was explained to the investigators by Oliver that the facility was owned and operated by a cooperative of numerous small oil companies. The facility accepts waste waters from oil wells which are contaminated with oil. According to Oliver, the waste water enters the facility and is then separated [sic] (water and oil), flocculated, and coagulated. The water is then placed in sedimentation ponds until the water can be discharged into the LA County Sanitation District Sewer Systems. The bottom of the sedimentation ponds are cleaned periodically and the waste material is then dried and mixed with soil to be landfarmed. The landfarming area is located at the westside of the subject location and has also taken place at another site located at the end of Pacific Place. Two blocks away at this location, there are numerous sedimentation ponds that were filled with the landfarm material. Numerous areas at these old ponds showed oil material rising to the surface from past burial of waste. Samples and pictures were taken from the landfarming process and at the bottom of the southern most pond (inactive). Results from the sampling indicated that the facility is accepting hazardous waste without the required permits.

On December 17, 1984, Cambridge, Clarence Berman and Roy Sakaida, DOHS, Banales-Long Beach met with Oliver and Wes \_\_\_\_ at the site. More samples were taken. At that time Cambridge informed Oliver that Oil Operators, Inc., would need to become permitted by this Department.

#### Charging Sections

Count 1: Oil Operators Inc. violated Section 25189.5 of the California Health and Safety Code in that they knowingly and intentionally disposed of hazardous waste, to wit: Oil waste, lead, and PCB at a point not authorized by this Department.

Evidence : Oil Operators Inc. violated Section 25189.5 of the California Health and Safe Code in that the facility was generated hazardous waste and then landfarmed the hazaradous waste without the proper permits issued by this Department.

Count 2: Oil Operators, Inc. violated Section 25191 (d)(2) of the California Health and Safety Code in that they stored and treated hazardous waste; to wit: oil waste, lead, and PCB for a period greater than 96 hours without the required permits issued by the Department.

Evidence : Oil Operators allowed hazardous waste to be stored for a period up



to one year without the required permits issued by this Department. Furthermore they mix numerous waste streams at the facility without the required permits from this Department.

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With regard to the above report (which will be provided upon request), how can the city claim that no hazardous materials were/are on this property? As noted further below, material from the South Site was landfarmed over on the North Site.

A-1

Do you dispute the DOHS tests? If so, on what basis?

A-2

This Summary of Facts also states that the bottom of the sedimentation ponds were cleaned periodically and the waste material was then dried and mixed with soil to be landfarmed, some of which took place at the North Site.

Reports provided for the current pond cleanup say the sedimentation on the bottom of the ponds has been there for decades. Which report is correct?

A-3

The DOHS report also said that there are numerous sedimentation ponds there (at the end of Pacific Place) that are filled with the landfarm material. If this material came from the South Site as this report seems to indicate, then it is very hard to believe that none of this material remains on the South Site.

There were other tests of the North Site, done by Ecology and Environment (E&E) that also showed hazardous chemicals on that site. Again Oil Operators denied it and claimed it has no idea where this company came up with their data.

Do you have any reason to believe that E&E is any less reliable than Brycon?

A-4

Why does the city and some of the regulators always go with the tests favorable to Oil Operators and simply dismiss the others?

A-5

On what basis do you decide one company's data is reliable, while another's is not?

A-6

Wouldn't it be a much wiser course of action to have a comprehensive study done of both sides by the Department of Toxic Substances Control?

A-7

I'm aware of DTSC telling the Long Beach Department of Health and Human Services that it doesn't normally deal with properties contaminated "only" with petroleum. However, I am quite sure DTSC was never provided with the documents that say there ARE other contaminants.

A-8

Why not?

Sincerely,

Richard Gutmann  
602 W. 37th Street  
Long Beach, CA 90806-1117

**Richard Gutmann  
Response A**

- A-1 The City does not claim that there is no hazardous materials on the property. It has been acknowledged that the site has contaminants and site remediation will be required prior to any use of the property.
- A-2 Comment Noted. This "report" is not contained in the DEIR and is unknown to the City's Health and Human Services Department (HHSD).
- A-3 All indications are that the sediment in Basin I (pond) has been there for decades.

All of the testing that has occurred at the Oil Operators site has found soil contamination to exist. To our knowledge, Oil Operators has always understood that the property has contaminants and site remediation will be required at a future date.

- A-4 HHSD is not familiar with Ecology and Environment (E & E). It is the applicant's decision as to the firm they hire, and as long as Brycon has the necessary credentials to perform the environmental analysis and site mitigation, we have no recourse but to approve them.
- A-5 All of the testing of Basin I was performed under the supervision of the City of Long Beach Department of Health and Human Services (Health Department). These samples were taken to a State certified lab using a chain of custody form and the results were certified by the lab director. Split samples were taken by the Health Department and analyzed by the Department's contract lab. Analysis for all samples was in concurrence.

Regarding sampling performed by the numerous environmental firms in the past, these results are useful to understand the levels of contamination at the site; however, the Los Angeles Regional Water Quality Control Board (LARWQCB) will require additional sampling under their direction prior to approving any remedial action at the site.

- A-6 See A-4
- A-7 The numerous samples taken by several different environmental companies and the sampling of Basin I under the supervision of the Health Department have all not revealed the industrial use type of contamination that would move the case to the jurisdiction of the DTSC.
- A-8 The Health Department met with the DTSC on several occasions requesting their assistance in the oversight of the cleanup of Basin I. They indicated that the DTSC and the LARWQCB have an MOU that does



not permit dual oversight and the Oil Operators property falls within the jurisdiction of the LARWQCB.

In addition, Oil Operators has entered into a voluntary cleanup contract with the LARWQCB. And they have the right to choose which agency performs the cleanup oversight.





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01/19/2004 09:14 PM

To: Angela\_Reynolds@longbeach.gov  
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Subject: DEIR-Not Hazardous

Angela Reynolds, Acting Environmental Officer  
City of Long Beach

Draft Environmental Import Report  
SCH 2-022396-1

Ms. Reynolds:

On page 21 of this DEIR you state: "Normally, site remediation is done according to RWQCB standards and then a Health Risk Assessment study is done. However, on this site because the main constituents of concern are petroleum products, there is usually no additional remediation required."

What does this mean? No additional remediation after or beyond what?

B-1

Since the proposed cleanup is only to self-storage standards, the soil will still contain a considerable amount of hazardous chemicals.

Are you, however, saying that since it is mainly petroleum products there will be no Health Risk Assessment?

B-2

Isn't it true that from a public health standpoint, chemicals such as benzene, toluene, ethyl- benzene and xylene are just as detrimental to someone's health whether or not they are in contained in so-called "non-hazardous" petroleum?

B-3

(Please include the accompany letter to the editor from the "Signal Tribune" of August 14, 2003 in the EIR. It explains that petroleum may be classified as not hazardous by government, but it still contains hazardous substances. This is verified on the EPA's website.)

Sincerely,

Richard Gutmann  
602 W. 37th Street  
Long Beach, CA 90806-1117  
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From the Signal Tribune:

HOW CRUDE!

"It's a little known fact by the general public that the crude oil molecule as it exists is non-hazardous." That's what Dave Slater, Vice-President of Signal Hill Petroleum said in the Signal-Tribune (Aug. 7, 2003). His company has sold much of its local oil property in recent years. And a lot of it is now covered with expensive hilltop homes and commercial structures. It is therefore troubling that a company official would make such a statement -- because there is no such thing as "the" crude-oil molecule. In addition, it was rather disingenuous of him to use the term non-hazardous. Crude oil is made up of many different substances, each with a different kind of molecule... and some of those substances cause cancer and birth

defects. For example, benzene is known to cause leukemia, and toluene produces birth defects. While it is true that crude oil is not defined as "hazardous" by the Environmental Protection Agency, that was a political decision, not a medical one. Crude oil escaped the designation "hazardous" under what is known as the "Petroleum Exclusion." Still, some of its chemical constituents are listed in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") as hazardous substances. And here is what the EPA, itself, says about the "Petroleum Exclusion": "EPA interprets CERCLA section 101(14) to exclude crude oil and fractions of crude oil - including the hazardous substances, such as benzene, that are indigenous in those petroleum substances - from the definition of hazardous substance." In plain English, that means: whether or not crude oil, itself, is actually defined by government as a hazardous substance, it still contains chemicals that can kill you and produce birth defects in your offspring. We're not to worry, though, because the Regional Water Quality Control Board usually supervises land cleanups if petroleum is the "only" contaminant. But when asked during a Long Beach City Council meeting how often the RWQCB would actually come out to an especially controversial site and check on the people performing the cleanup, the Water Board's representative answered, "At least quarterly." If I lived on former oil-production land, I wouldn't consider that very much oversight.



**Response B**

- B-1 This comment relates to Alternative 4, single-family homes. Health Risk Assessment (HRA) are done for residential uses. The statement in the DEIR does not relate to what type of remediation might be needed after the HRA.
- B-2 No. Self-storage does not require an HRA because for several reasons. The need for an HRA is determined by evaluating the exposure routes and duration of exposure. In the case of single-family homes, there are more routes, (i.e., ingestion of dirt) and residents of these homes would have a longer duration to the exposure.
- Self-storage uses typically have few employees and the earth is paved over, making routes of exposure and duration of exposure minimal, thus eliminating the need for an HRA.
- B-3 Environmental assessments of the site have indicated that levels of these constituents are below action levels, as defined by the Regional Water Quality Control Board (RWQCB). In addition, the RWQCB has determined that the site is "low priority" because the levels of ground water contamination are minimal.





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01/19/2004 04:39 AM

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cnjfrogs@aol.com

Subject:

Angela Reynolds, Acting Environmental Officer  
City of Long Beach

Draft Environmental Import Report  
SCH 2-022396-1

Ms. Reynolds:

Regarding the proposed Oil Operators' self-storage facility, you state on page 19 of the DEIR that "The proposed project will have a person on-site at all times and the facility will be continually monitored."

When the developer made his presentation to residents at the "scoping session" held on March 12, 2003, he stated that there would be NO ONE on site except during business hours.

Is the city now requiring that someone be onsite at all times?

C-1

Also on page 19, you said that if a passive park were to be built, because of the remote nature of the site, police services may be impacted. The site is not remote; in fact, on page 49 of the DEIR you point out that "Views of the [self-storage] construction would be prominent for travelers eastbound and westbound on Wardlow Road."

C-2

The DEIR failed to examine the inherent dangers of a self-storage facility near populated areas - particularly in the post 9/11 world.

C-3

Just across the L.A. River and north of the 405 Freeway is the Store For Less self-storage facility at 1012 Carson St. As reported in the Los Angeles Times (Apr. 2, 1991, sec. B, p. 8, c.4) and later in the Press-Telegram (April 6, 1991, p. B4), the Long Beach Freeway would have to be shut down once a team of state toxic chemical experts, the Los Angeles County sheriff's bomb squad and the U. S. Environmental Protection Agency could figure out what to do with highly explosive chemicals discovered in that facility.

C-4

Please note that the chemicals sat there for two years even after health officials had determined they were dangerous. The Times article says, "The city [Long Beach] sealed them in the two huge metal bins in April, 1989, and marked them as hazardous." It continues, "They sat there for two years about 100 yards from the busy 710-San Diego Freeway interchange and near 700 storage garages where renters stop by to drop off and retrieve belongings."

C-5

You state there will be a surveillance system. No surveillance system can prevent someone from bringing dangerous chemicals, bombs or anything else into their storage space unless someone opens and searches every box. And this is not realistic, especially with 3,200 units and 516,000 square feet of storage.

C-6

Some of this storage facility would be just a few yards from the eastern levee of the Los Angeles River.

Why does this DEIR not examine the possible consequences of an explosion at this facility breaching the levee?

C-7

It would make an excellent terrorist target. Someone could just store explosives in their rental space and wait for the next big storm. Nearly dry much of the year, when the river is near maximum flow, it carries

approximately 1 million gallons of water per second. That is a tremendous amount of water. If the levee were breached, much of the Wrigley area would probably be damaged, if not destroyed.

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**Richard Gutmann  
Response C**

- C-1 Once the proposed project is developed, the applicant has indicated that a resident manager will oversee the storage facility. However, this proposal is not a required mitigation measure of the DEIR. The Long Beach Police Department indicates that the proposed project will not create a significant impact to police services whether it employs a resident or nonresident manager.
- C-2 There are currently views to the site from Wardlow Road because the site is vacant. With a "passive park" use, landscaping is assumed, which may reduce site visibility from Wardlow Road. In addition, the northern part of the site is not adjacent to any uses other than the 405 Freeway and the LA River, making this area difficult to police.
- C-3 Terrorist activity is not a subject required for review under CEQA.
- C-4 Comment Noted.
- C-5 Comment Noted.
- C-6 Opinion, to which CEQA does not require a response.
- C-7 The proposed project does not include the storage of explosive material. However, if explosive chemicals were to be stored, they must be stored in a structure built to the specifications of H Occupancy, under the Uniform Building Code. See attached. The distance of this structure from the LA River levee would be taken into consideration.



(610 mm) of the draft curtain. The draft curtain shall enclose the perimeter of the unenclosed opening and extend from the ceiling downward at least 12 inches (305 mm) on all sides. The spacing between sprinklers shall not exceed 6 feet (1829 mm).

**306.7 Sprinkler and Standpipe Systems.** When required by Section 904.2 or other provisions of this code, automatic sprinkler systems and standpipes shall be installed as specified in Chapter 9.

**306.8 Special Hazards.** For special hazards of Group F Occupancies, see Section 304.8.

Storage and use of flammable and combustible liquids shall be in accordance with the Fire Code.

Buildings erected or converted to house high-piled combustible stock or aerosols shall comply with the Fire Code.

Equipment, machinery or appliances that generate finely divided combustible waste or that use finely divided combustible material shall be equipped with an approved method of collection and removal.

*[For SFM] In addition to the requirements for Group F Occupancies, motion picture production studios, sound stages and approved production facilities shall be in accordance with the California Fire Code.*

## SECTION 307 — REQUIREMENTS FOR GROUP H OCCUPANCIES

### 307.1 Group H Occupancies Defined.

**307.1.1 General.** Group H Occupancies shall include buildings or structures, or portions thereof, that involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard. For definitions, identification and control of hazardous materials and pesticides, and the display of nonflammable solid and nonflammable and noncombustible liquid hazardous materials in Group B, F, M or S Occupancies, see the Fire Code. For hazardous materials used as refrigerants or lubricants within closed cycle refrigeration systems and the areas served by them, see Chapter 28 of this code, the Mechanical Code and the Fire Code. For the application and use of control areas, see Footnote 1 of Tables 3-D and 3-E. Group H Occupancies shall be:

**Division 1.** Occupancies with a quantity of material in the building in excess of those listed in Table 3-D, which present a high explosion hazard, including, but not limited to:

1. Explosives, blasting agents, Class 1.3G (Class B, Special) fireworks and black powder.

**EXCEPTIONS:** 1. Storage and use of pyrotechnic special effect materials in motion picture, television, theatrical and group entertainment production when under permit as required in the Fire Code. The time period for storage shall not exceed 90 days.

2. Indoor storage and display of smokeless powder, black sporting powder, and primers or percussion caps exceeding the exempt amounts for Group M retail sales need not be classified as a Group H, Division 1 Occupancy where stored and displayed in accordance with the Fire Code.

2. Manufacturing of Class 1.4G (Class C, Common) fireworks.

3. Unclassified detonatable organic peroxides.

4. Class 4 oxidizers.

5. Class 4 or Class 3 detonatable unstable (reactive) materials.

**Division 2.** Occupancies where combustible dust is manufactured, used or generated in such a manner that concentrations and

conditions create a fire or explosion potential; occupancies with a quantity of material in the building in excess of those listed in Table 3-D, which present a moderate explosion hazard or a hazard from accelerated burning, including, but not limited to:

1. Class I organic peroxides.
2. Class 3 nondetonatable unstable (reactive) materials.
3. Pyrophoric gases.
4. Flammable or oxidizing gases.
5. Class I, II or III-A flammable or combustible liquids which are used or stored in normally open containers or systems, or in closed containers or systems pressurized at more than 15-pounds-per-square-inch (psi) (103.4 kPa) gage.

**EXCEPTION:** Aerosols.

6. Class 3 oxidizers.
7. Class 3 water-reactive materials.

**Division 3.** Occupancies where flammable solids, other than combustible dust, are manufactured, used or generated *[For SFM] in quantities in excess of the exempt amounts listed in Table 3-D.*

Division 3 Occupancies also include uses in which the quantity of material in the building in excess of those listed in Table 3-D presents a high physical hazard, including, but not limited to:

1. Class II, III or IV organic peroxides.
2. Class 1 or 2 oxidizers.
3. Class I, II or III-A flammable or combustible liquids that are used or stored in normally closed containers or systems and containers or systems pressurized at 15 psi (103.4 kPa) gage or less, and aerosols.
4. Class III-B combustible liquids.
5. Pyrophoric liquids or solids.
6. Class 1 or 2 water-reactive materials.
7. Flammable solids in storage.
8. Flammable or oxidizing cryogenic fluids (other than inert).
9. Class 1 unstable (reactive) gas or Class 2 unstable (reactive) materials.
10. Storage of Class 1.4G (Class C, Common) fireworks. *[For SFM] See Title 19, Chapter 6, Article 8, Section 989.*

**Division 4.** Repair garages not classified as Group S, Division 3 Occupancies.

**Division 5.** Aircraft repair hangars not classified as Group S, Division 5 Occupancies and heliports.

**Division 6.** Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials (HPM) are used and the aggregate quantity of materials are in excess of those listed in Table 3-D or 3-E. Such facilities and areas shall be designed and constructed in accordance with Section 307.11.

**Division 7.** Occupancies having quantities of materials in excess of those listed in Table 3-E that are health hazards, including:

1. Corrosives.

**EXCEPTION:** Stationary lead-acid battery systems.

2. Toxic and highly toxic materials.

3. Irritants.

4. Sensitizers.

5. Other health hazards.